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II

JESUS COLLEGE, OXFORD,

AND

COWBRIDGE SCHOOL.

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REMARKS

ON

“A LETTER TO H. HUSSEY VIVIAN, ESQ., M.P.”



COWBRIDGE SCHOOL, GLAMORGAN,

April, 1882.

My attention has been drawn to a printed letter, addressed to Mr. Hussey Vivian M.P. by Dr. Harper, Principal of Jesus College, Oxford, which bears on a question now attracting public attention, viz. that of the claim of Cowbridge School to a larger endowment than is contemplated in the proposed Statutes for that College, now lying on the table of the House of Commons.

All friends of the School are indebted to Dr. Harper for printing, as appendices to his letter, the Will of Sir Leoline Jenkins, and also the decree of Chancery, made in 1688, three years after the death of the Testator, inasmuch as both these documents tend very materially to strengthen the case of the School. Had Dr. Harper printed the codicils of the Will also, he would have further strengthened the case of the School. The omission is significant.

The gist of the whole matter is involved in the correctness or incorrectness of Dr. Harper's view, as set forth in the following words on pages 13 and 14 of his letter:—"The College takes powers for devoting to the School a larger proportion of the gross income, at present receivable from the Sir Leoline estates, than is represented by the original rent-charge compared with original income."

The following figures and facts will, I think, prove that this statement is incorrect.

Dr. Harper says that, in 1688, the total income was £848 1s. 4d., and adds, "the rent-charge for Cowbridge represents as nearly as possible  $\frac{1}{7}$  of the gross income"; and, again, that the average receipts for the first five years were £743, and that, upon this estimate, the rent-charge is  $\frac{1}{5}$  of the gross income.

In both these calculations Dr. Harper clearly assumes the Cowbridge endowment to be £50 a year. But the Cowbridge endowment is, not £50, but £100 a year, as is most distinctly shewn both by the Will itself and by the decree in Chancery. The words of the Will are as follow:—

“Imprimis, I do appoint that out of the said estates and premises by me, as aforesaid, given and devised to the said College, there shall be paid ONE HUNDRED POUNDS yearly, and every year for ever, for the uses following”:

these uses being briefly as follow: (see p. 23, appendix of Dr. Harper’s letter).

To the Master of Cowbridge School, 2 payments of £10 each	...	...	...	...	£20
To five Pensioners of Cowbridge School, (£6 each),					£30
To three of such Pensioners entering Jesus College, Oxford, (£10 each),	...	...	...	...	£30
To the Master of Cowbridge School for binding apprentices, or for the distribution of clothes to poor people in the town of Cowbridge or the neighbouring parishes at his discretion, the determination being left to himself	...	...	...	...	£20
					£100

And, not only in the main body of the will, but in a codicil attached to it, which, as before stated, Dr. Harper has omitted in his appendix, occur the following words:

“Item, whereas I have by my Will appointed ONE HUNDRED POUNDS a year to be disposed of to the Schoolmaster, Pensioners, and Exhibitioners of Cowbridge School, as also to the poor of that neighbourhood, my wish and meaning is that the said Schoolmaster, Pensioners, Exhibitioners, and poor come into full pay respectively the first quarter day after my decease, that there may not be delay in those payments on pretence that the whole is not settled between my Executors and the College, I hereby giving full power to and charging both my Executors and Trustees to pay and continue quarterly the said hundred pounds a year, according to the true meaning of my said Will.”

I give this extract fully, as it incidentally touches points which I shall dwell upon later.

These quotations clearly shew that the original endowment of Cowbridge School by Sir Leoline Jenkins was £100 not £50.

Apparently Dr. Harper admits only the payment to the Master and Pensioners, (now called Monitors), as entering into the endowment of the School.

But surely Cowbridge School has as good a right to its three £10 Exhibitions, at Jesus College, as Winchester has to its Scholarships, tenable at New College, or Merchant Taylors to its Scholarships tenable at St. John's College, Oxford!

In Statute v. 10 of the proposed Statutes for Jesus College, Oxford, we find the intended destination of the Cowbridge School Exhibitions. This clause suggests the establishment of a fund, to be called the "Exhibition Fund," the endowments of which are to be enjoyed by members of the College, at the discretion of the Principal and Fellows, **wholly irrespective of their being Cowbridge School boys, or even of their being Welsh boys at all.** Yet it is proposed to pay into this fund the "income of the Exhibitions of Sir Leoline Jenkins," meaning the Cowbridge Exhibitions, for he founded no others. The College therefore proposes to deprive Cowbridge School of its three Exhibitions, and Dr. Harper grounds an argument, as to what the proportion of the School's future endowment shall be, on the assumption that they are already non-existent as far as the School is concerned.

Next we come to the £20 for the poor of Cowbridge and neighbourhood. The Master of Cowbridge School has invariably had the distribution of this money: it is a part, as we have seen, of the payment annually made him by the Bursar of Jesus College, *i.e.* inseparably a part of the Cowbridge Endowment. Not only this, but a certain latitude is clearly given him in the Will, (Dr. Harper's appendix p. 24), in the

selection of modes of applying the £20, and one of these, "the binding apprentices of poor children," is obviously of an educational character. Public opinion is growing in favour of diverting doles of this kind to educational purposes, but always with the proviso that the locality shall be benefited thereby in another and more efficient way. To strike this sum off the Cowbridge endowment, as Dr. Harper apparently does, is therefore unjustifiable.

I think the foregoing facts and figures will have effectually disposed of Dr. Harper's attempt to reduce the original endowment of Cowbridge School from £100 to £50 per annum.

The question we have to consider is, what, the intention of the Testator was in regard to the distribution of his property. It is evident that, at the time Sir Leoline Jenkins made his Will, he believed that the income of his property amounted only to a little over £400, (of which Cowbridge School was endowed with about one fourth, and Jesus College with about one half).

It was necessary therefore, (owing to the inadequacy of such total to meet all the charges specified in his Will), to postpone some of the payments till certain annuities had determined, and certain other estates of Sir Leoline come into the possession of the Trustees.

Accordingly two distinct lists should be drawn out, which I proceed to give.

LIST I.

		£	s.
To Mr. Evan Jenkins (the Testator's brother)	...	100	0
To Cowbridge School	...	100	0
*To the Principal of Jesus College	...	50	0
*To make up 16 Fellowships to 20 each and 16 Scholarships to £10 each	...	120	0
*To the Bursar of Jesus College	...	8	0
*To two speeches in the College	...	2	0
To Mr. Watkins	...	2	10
To Williams, Sen. and Jun.	...	10	0
To Robert Williams	...	5	0
To Incumbent of Talygarn	...	10	0
	Total	£407	10

Of this total then Cowbridge School was to have 24<sup>88</sup><sub>163</sub> per cent., and Jesus College 44<sup>28</sup><sub>63</sub> per cent., being the items marked\* in the above list amounting to £180.

Let us now take the other list, after the lapse of the life annuities.

LIST 2.

					£
To Cowbridge School	...	...	...	...	100
To Principal of Jesus College	...	...	...	...	50
To Make up Fellowships, &c. as above	...	...	...	...	120
To Bursar	...	...	...	...	8
To Two speeches	...	...	...	...	2
To Incumbent of Talygarn	...	...	...	...	10
To 4 or 5 Fellows additional allowance	...	...	...	...	50
To Incumbent of St. Bennett	...	...	...	...	10
To Two Lecturers	..	..	..	..	30
To Auditors of ditto	...	...	...	...	5
				Total	£385

But, out of this total, should be deducted the payments to the Incumbents of Talygarn and St. Bennett's respectively, as not entering into the question between the College and the School. Of the remainder, the School was to have 27<sup>29</sup><sub>73</sub> per cent. and the College the rest. It will be seen that I have left out of this list the two Chaplain Fellowships to which two Cowbridge Exhibitioners were, "*ceteris paribus*," to have a preference, (see Will in Dr. Harper's Appendix, p. 30). I have thought it fairest to both parties in this contention as to a fixed proportion of the income to do so, though the provision strengthens my case as to the favour with which the Testator regarded Cowbridge School.

Dr. Harper himself states that the proposed Statutes for Jesus College involve the reversal of the decree of Chancery of 200 years ago, under which the Principal and Fellows have been empowered to divide among them any surplus from the Estates: and his own reasoning points to the general conclusion that henceforth it is right that the School should share in the enormously increased revenues of the College, in the proportion borne by its original endowment to the original income. Thus far I am cordially at one with Dr. Harper. But our unanimity

goes no further. He asserts that the School can claim only  $\frac{1}{7}$  or  $\frac{1}{5}$  of the present income of the Jenkins' estates. I affirm that it can justly claim between a third and a fourth, and I leave it to the Public to judge between us.

I now pass on to the point next in importance in Dr. Harper's pamphlet. Having once committed himself to an admission of the general principle that the School should have a certain proportion of the revenues of Sir Leoline Jenkins' estates, Dr. Harper is logically driven to the adoption of a sliding scale, which I claim for the School as the only satisfactory arrangement under the circumstances; and we are quite content that its share should vary accordingly. Sometimes it would tell against us; *e.g.* the largest amount, within Dr. Harper's knowledge, yet received in one year from these estates is £6625 2s. 9d.; but in 1873, as is shewn by the Oxford Commissioners' Report for that year, it reached £7566 14s. 11d., exclusive of dead rent for mineral land in Wales, amounting to £1275. The figures, to which my attention was called by Mr. Hussey Vivian, are as follow:

	£	s.	d.
P. 788 No. 1-14. Properties in Eglwysilian, Wenvoe, Llancarvan, Ewenny, and Coleston .....	1045	4	0
P. 789 No. 15-19. Properties in Bampton, Weald, Alvescott, Dumbleton, Wormington, Blakesley, Lois Weodon .....	2094	16	0
P. 790. † S. Mary's, Lambeth .....	£2944	0	0
P. 791. † Ditto .....	£1191	1	2
The rental of this property in 1685, was £85 per annum.			2
P. 793. Underwood .....	80	19	0
P. 796. Ditto .....	143	14	9
P. 795. Two sums of £1066 7 4 and £1175 0 0 invested in 3 per cent. Red. Consols and in the Birmingham Bank at 3 per cent., both arising from the sale of parts of Sir Leoline Jenkins' estates .....	67	0	0
	<u>£7566</u>	<u>14</u>	<u>11</u>

A footnote adds that, (besides the above, there are minerals under the estates of Sir Leoline Jenkins from which a dead rent of £1275 was received from the Messrs. Booker, but they are now (1873) not worked).

Obviously the Cowbridge School's share of this income would not be the same as its share of the particular year's income quoted by Dr. Harper. The

prospective as well as the present value of these estates becomes, therefore, a matter of the greatest importance to the case of the School. Dr. Harper will pardon my citing him as a witness on this subject. In his evidence before the Welsh Education Committee, (Minutes of Evidence P. 27, Questions 549-552), he gave the following information:

“ The best piece of property we have is in London, adjoining Waterloo Bridge. This is part of Sir Leoline Jenkins' property: it was left us as so many acres of marsh, and we now receive £3069 10 3 from it. Some of the leases have fallen in, and we get the full rent. The largest tenant pays us £1000 a year. It is land adjoining the Thames: but it is covered with buildings, which buildings have been placed there by the occupants, and then, when the lease falls in, there is a large income from the property, but nothing falls in till after 1900.”

I shall not trouble my witness to accompany me into Wales. I can, of my own knowledge, speak to the state of things there. I have already mentioned the dead rent paid for mineral property. I can add the fact that, within the last few days, a new line of railway has been commenced in the Treferig Valley, (Llantrissant, Glamorganshire), passing through the property of Jesus College, which is likely to cause the coal to be worked under a farm belonging to Sir Leoline Jenkins' estates, from which working a very large income may be expected. I am informed, upon good authority, that a farm of about the same size as that belonging to the College, and very near it, produces from £1000 to £1500 a year from the minerals worked therefrom.

I affirm that in all this prospective increase of the income derived from the estates of Sir Leoline Jenkins the School should have a clearly defined interest.

While on the question of the income of these estates, I wish, (to avoid any possible misapprehension), to explain a remark of Dr. Harper's. He says, “From this total” (i.e. the total income of the Jenkins' estates),

“the University Commissioners of 1857 assigned £1000 per annum for increasing the value of the Scholarships, and £250 per annum towards the endowment of the Celtic Professorship.” It must be remembered that the Scholarships alluded to are the Scholarships of Jesus College itself, that the Celtic Professor is one of their own Fellows, and that the members of Jesus College itself are most likely to benefit by that gentleman’s able lectures: and it will be seen that the action of the Commission of 1857, ruthless as it may sound, cannot be regarded as a diversion of endowment from the College. I do not say that Dr. Harper meant to suggest that inference; but I wish to guard against its being unwittingly drawn from his words.

I go on to shew that the substantiation of the claim which I am making on behalf of the School would, far from unduly straining the wishes of the Testator, be the truest interpretation of them.

Both in the will and in the decree of Chancery the Endowment of Cowbridge School ranks first on the list of “pious and charitable uses.” This shews that the School and Neighbourhood were near his heart: and naturally so, for he was bred and born in the neighbourhood, and received his education at the School, which he afterwards purchased and endowed.

A valuable indication of the Testator’s probable wishes, in the case of any increase in the value of his property, is given in the directions he leaves with reference to the residue of his personal estate, after paying all debts, which he leaves to his Executors, (I quote the very words of the Will from Dr. Harper’s appendix p. 35), “for the performance of this my will, and for increasing or augmenting the **Exhibitions**,” (meaning the £10 Exhibitions from Cowbridge School, for, it will be remembered, he founded no others), “**Pensions**,” (meaning the 5 Monitorships at Cowbridge School, then called **Pensions**), “additional allowances and endow-

ments before made and bequeathed, or for new founding more additional Fellowships and Scholarships, or for any other public and pious uses relating to the said College."

I would draw special attention to the order in which the different objects of his benevolent care ranked in the mind of the Testator, (in the event of augmentation of their respective endowments being feasible), in the wording of this passage of his will.

*First* came the Endowments of Cowbridge School.

*Second* the Endowments in which the School and the College have a joint interest.

*Third and last* the Endowments specially belonging to the College.

Dr. Harper, (Letter p. 14), quotes the latter part only of this important passage, omitting all mention of the Exhibitions and Pensions, whereas the precedence given to these in the list constitutes the very essence of my deduction from the words that the Testator had a decided preference for the School.

Another indication of such preference is the very remarkable provision of his will that, in the event of a scheme not being prepared, within a year from his death, appropriating all Fellowships and Scholarships to particular localities, in accordance with his strongly expressed wishes, (which very restrictions the College is empowered, in the proposed Statutes, to sweep away to a great extent), the £120 for augmenting certain Fellowships and Scholarships should be forfeited by the College, and applied instead "**to the augmenting and better ordering of the Charities relating to Cowbridge School and poor, or any other Charities for the better service of the Church in Wales, or for the advancement of learning in the College.**" (See Dr. Harper's appendix p. 27).

And, furthermore, in the codicil quoted earlier in this pamphlet, the Testator shews a jealous eagerness to protect the School from any delay on the part of the

College in assigning to it its due share under his will.

I decline to enter into the numerous side issues of Dr. Harper's letter, though I have no reason to fear the minutest discussion of any point he has raised.

My object in writing this pamphlet has been, not a personal controversy with Dr. Harper, but the assertion, on public grounds, of the just claim of Cowbridge School to its fair share in the revenues of Sir Leoline Jenkins' estates, be they what they may; a claim which, I affirm, is not adequately met in the proposed Statutes for Jesus College, Oxford. The adoption by Parliament of this view would result in the expansion of Cowbridge School, (already recommended as one of the First-grade Classical Schools of Wales by the Welsh Education Committee), into an institution worthy of the important County of Glamorgan, and likely to be of inestimable service to Welsh Intermediate Education,

In the last paragraph, however, of Dr. Harper's letter an imputation is cast on me which I must meet at once. Dr. Harper alludes to "distorted documents," which he assumes I have submitted to Mr. Hussey Vivian, and contrasts them with "authentic documents" submitted by himself. The only "document" I sent Mr. Hussey Vivian was a full office copy of Sir Leoline Jenkins' Will including the codicils.

I may add that the School and Town of Cowbridge are deeply indebted to Mr. Hussey Vivian for information he has obtained, bearing on the income of Sir Leoline Jenkins' property, which, on applying to the College for it, I failed to get: and I gladly embrace this opportunity of publicly expressing my cordial gratitude to him for his untiring activity and zeal in the cause of Cowbridge School.

M. PRICE WILLIAMS,  
*Head Master of Cowbridge School.*







